

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAIIUnited States District Court
District of Hawaii

MAR 30 2011

at 4 o'clock and 10 min. P.M.
SUE BEITIA, CLERKUNITED STATES OF AMERICA
V.
DANIEL GUERRERO SEGUERRE, III

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:09CR00375-001USM Number: 10505-022PAMELA BYRNE, ACPD

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s): 1, 2, 3, and 4 of the Indictment.
- ☐ pleaded nolo contendere to counts(s) ____ which was accepted by the court.
- ☐ was found guilty on count(s) ____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
See next page.			

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on counts(s) ____ and is discharged as to such count(s).
- ☐ Count(s) ____ (is)(are) dismissed on the motion of the United States.

It is further ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

MARCH 16, 2011

Date of Imposition of Judgment

Signature of Judicial Officer

DAVID ALAN EZRA, United States District Judge

Name & Title of Judicial Officer

MAR 30 2011

Date

AO 245B

(Rev. 6/05) Judgment in a Criminal Case
Sheet 1A

CASE NUMBER: 1:09CR00375-001

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DEFENDANT: DANIEL GUERRERO SEGUERRE, III

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§2251(a) and (e)	Coercing a child to engage in sexually explicit conduct for the purpose of producing a visual image	8/2009	1
18 U.S.C. §§2251(a) and (e)	Coercing a child to engage in sexually explicit conduct for the purpose of producing a visual image	8/2009	2
18 U.S.C. §§2251(a) and (e)	Coercing a child to engage in sexually explicit conduct for the purpose of producing a visual image	8/2009	3
18 U.S.C. §§2252(a)(4) and (b)(2)	Possession of child pornography	6/12/2009	4

AO 245B

(Rev. 6/05) Judgment in a Criminal Case
Sheet 2 - ImprisonmentCASE NUMBER: 1:09CR00375-001
DEFENDANT: DANIEL GUERRERO SEGUERRE, III

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 30 YEARS

This term consists of THIRTY(30)YEARS, as to Counts 1, 2, 3, and 4, with all such terms to run concurrently

☒ The court makes the following recommendations to the Bureau of Prisons:
Recommend any and all sex offender programs.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district.
☐ at ____ on ____.
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
☐ before __ on ____.
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Officer.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

Deputy U.S. Marshal

AO 245B

(Rev. 6/05) Judgment in a Criminal Case
Sheet 3 - Supervised ReleaseCASE NUMBER: 1:09CR00375-001
DEFENDANT: DANIEL GUERRERO SEGUERRE, III

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SUPERVISED RELEASEUpon release from imprisonment, the defendant shall be on supervised release for a term of: LIFETIME

This term consists of a LIFETIME, as to Counts 1, 2, 3, and 4, with all such terms to run concurrently

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

That the defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement on supervision and at least two periodic drug tests thereafter, but not more than 8 valid drug tests per month during the term of supervised release.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon (Check if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check if applicable.)
- ☐ The defendant shall register in person with the state sex offender registration agency in the jurisdiction where the defendant resides, works, or is a student within 3 business days after being sentenced or after being released from custody pursuant to the Sex Offender Registration and Notification Act (Title I of the Adam Walsh Child Protection and Safety Act of 2006). For initial registration purposes only, the defendant shall also register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence.(Check if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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SPECIAL CONDITIONS OF SUPERVISION

- 1) Restitution of \$2,500 is due immediately to S.R., and any remaining balance upon release from confinement shall be paid during the period of supervision and on an installment basis according to the collection policy of the Probation Office but at a rate of not less than ten percent of the defendant's monthly gross income.
- 2) Defendant shall execute all financial disclosure forms and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
- 3) Defendant shall register in person with the state sex offender registration agency in the jurisdiction where the defendant resides, works, or is a student within 3 business days after being sentenced or after being released from custody pursuant to the Sex Offender Registration and Notification Act (Title I of the Adam Walsh Child Protection and Safety Act of 2006). For initial registration purposes only, the defendant shall also register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence.
- 4) Defendant shall submit his person, property, house, residence, place of employment, vehicle, papers, computer, other electronic communication or data storage devices or media to a search conducted by the U.S. Probation Office and any Law Enforcement at a reasonable time and in a reasonable manner, based upon a reasonable suspicion of contraband or evidence of a violation of a condition of supervision. The defendant shall also submit to periodic unannounced examinations of his computer and computer accessories as well as provide access to internet service provider account records, as directed by the U.S. Probation Office. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
- 5) Defendant shall not have contact with the victims in this case, including the mother of the victims. This includes any physical, visual, written, or telephonic contact with such persons. Additionally, the defendant shall not directly cause or encourage anyone else to have such contact with the victims.
- 6) Defendant may change his residence only with advance approval of the Probation Office. The defendant shall appear in person at the state registration agency within 3 business days after the change of residence to report such change.
- 7) Defendant shall participate in sex offender evaluation and treatment and abide by the policies and procedures of the program, which may include the polygraph, Abel screen, and other types of testing, as approved by the Probation Office.

AO 245B (Rev. 6/05) Judgment in a Criminal Case
Sheet 3 - Supervised Release

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DEFENDANT: DANIEL GUERRERO SEGUERRE, III

- 8) Defendant shall not have any type of contact (including written materials, communication devices, audio and visual devices, visits, or through a third-party) with children under the age of 18 or the victim(s), except in the presence of an adult who is aware of the nature of the defendant's offenses and who has been approved by the Probation Office.
- 9) Defendant shall not view, purchase, possess, or distribute any form of child pornography depicting sexually explicit conduct as defined in 18 U.S.C. § 2256(8), or frequent any place where such material is available, except for treatment purposes or for the purposes of appeal or collateral challenges in the instant case and with the prior approval of the Probation Office.
- 10) Defendant shall not view, purchase, possess, or distribute any form of pornography depicting sexually explicit conduct as defined in 18 U.S.C. § 2256(2), or frequent any place where such material is the primary product for sale or entertainment, is available, except for treatment purposes or for the purposes of appeal or collateral challenges in the instant case and with the prior approval of the Probation Office.
- 11) Defendant is restricted from purchasing or possessing photographic or video equipment without the prior knowledge and permission of the Probation Department.
- 12) Defendant shall not be employed, in any capacity, or participate as a volunteer in any activity, that may cause him to come in direct contact with children under the age of 18, except as approved by the Probation Office.

AO 245 B (Rev. 6/05) Judgment in a Criminal Case
Sheet 5 - Criminal Monetary Penalties

CASE NUMBER: 1:09CR00375-001
DEFENDANT: DANIEL GUERRERO SEGUERRE, III

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 400.00	\$	\$ 2,500

☐ The determination of restitution is deferred until . An *Amended Judgment in a Criminal Case* (AO245C) will be entered after such a determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. §3664(i), all non-federal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
S.R.		\$2,500	

TOTALS	\$ _	\$ <u>2,500</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ _

☐ The defendant must pay interest on restitution and a fine of more than \$2500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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(Rev. 6/05) Judgment in a Criminal Case
Sheet 6 - Schedule of PaymentsCASE NUMBER: 1:09CR00375-001
DEFENDANT: DANIEL GUERRERO SEGUERRE, III

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☐ Lump sum payment of \$ _ due immediately, balance due
☐ not later than _ , or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below, or
- B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C ☐ Payment in equal _ (e.g., weekly, monthly, quarterly) installments of \$ _ over a period of _ (e.g., months or years), to commence _ (e.g., 30 or 60 days) after the date of this judgment ; or
- D ☐ Payment in equal _ (e.g., weekly, monthly, quarterly) installments of \$ _ over a period of _ (e.g., months or years), to commence _ (e.g., 30 or 60 days) after the release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
 Restitution of \$2,500 is due immediately to S.R., and any remaining balance upon release from confinement shall be paid during the period of supervision and on an installment basis according to the collection policy of the Probation Office but at a rate of not less than ten percent of the defendant's monthly gross income.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk of the Court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number, Total Amount, Joint and Several Amount, and corresponding pay, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.